

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

JON REINER, Individually and on Behalf of  
All Others Similarly Situated,

Plaintiff,

vs.

TELADOC HEALTH, INC., et al.,

Defendants.

Case No.: 1:18-cv-11603 GHW-BCM

**JOINT STIPULATION REGARDING  
REPORT AND RECOMMENDATION  
ON DEFENDANTS' MOTION TO  
DISMISS PLAINTIFFS' THIRD  
AMENDED COMPLAINT**

Lead Plaintiffs Wayne Arcuri, Badruddin Salimbhai, and David Williams (collectively “Plaintiffs”) and Defendants Teladoc Health, Inc., Jason Gorevic, and Mark Hirschhorn (collectively “Defendants”), by and through their respective attorneys, jointly state and move as follows:

WHEREAS, on September 8, 2021, Magistrate Judge Barbara C. Moses issued a Report and Recommendation (“R&R”) recommending that the district court should grant Defendants’ Motion to Dismiss Plaintiffs’ Third Amended Complaint in this action with prejudice; and

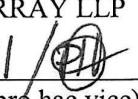
WHEREAS, based upon their evaluation of the R&R, the applicable law, and the relevant facts, counsel for Plaintiffs have elected not to file an objection to the R&R or to appeal any subsequent judgment entered by the district court.

**THEREFORE, IT IS HEREBY STIPULATED**, by and between the undersigned parties, that:

1. Final judgment shall be entered with prejudice against Plaintiffs in this action and in favor of Defendants pursuant to Federal Rules of Civil Procedure 58 and 79;
2. Each of the Parties, and his or its attorneys of record, stipulate not to contest that the other Parties and their attorneys of record complied with the requirements of Rule 11 of the Federal Rules of Civil Procedure and all other applicable rules and laws at all times in this action;
3. Plaintiffs hereby agree to waive all rights to object to the R&R and to appeal any subsequent order and/or judgment entered against Plaintiffs in this action; and
4. Each of the Parties shall bear his or its own attorneys’ fees and costs incurred in connection with this action.

Dated: September 28, 2021

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Dated: September 28, 2021

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*Attorneys for Teladoc Health, Inc., Jason Gorevic, and Mark Hirschhorn*

SO ORDERED.

Dated: \_\_\_\_\_, 2021

\_\_\_\_\_  
Hon. Gregory H. Woods

**PROOF OF SERVICE**

I, the undersigned say:

I am not a party to the above case and am over eighteen years old.

On September 28, 2021, I served true and correct copies of the foregoing document, by posting the document electronically to the ECF website of the United States District Court for the Southern District of New York, for receipt electronically by the parties listed on the Court's Service List.

I affirm under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on September 28, 2021, at New York, New York.

*s/ Ex Kano S. Sams II*  
Ex Kano S. Sams II